Hertfordshire

**Town and Country Planning Act 1990 (as amended)**

**DECISION NOTICE**

**HCC Application No: 1/00833-18 (CM959)**

**Description & location of development:**

**APPLICATION FOR THE CONSTRUCTION OF A RESERVOIR FOR THE STORAGE OF IRRIGATION WATER TO BE ABSTRACTED AS AGREED WITH THE ENVIRONMENT AGENCY DURING PEAK FLOW WINTER MONTHS FOR SUMMER IRRIGATION USE, INCLUDING IMPORTATION OF 65000M$^3$ OF FILL MATERIAL AT LAND AT RADWELL BURY FARM, RADWELL LANE, RADWELL, BALDOCK, HERTFORDSHIRE, SG7 5ES**

**To:** Mr Jonathan Northern
Radwell Bury Farm
Radwell
Baldock
Herts
SG7 5ES

**In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby PERMITS the development proposed by you in your planning application received on 8 March 2018 subject to the 15 conditions which are detailed in the attached schedule with the reasons for their imposition.**

**Dated:** 10th **day of July 2019** **Signed:**.....

**Team Leader – Development Management**

## Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: https://acp.planninginspectorate.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**SCHEDULE OF CONDITIONS 1-15 ATTACHED TO PLANNING PERMISSION 1/00833-18 FOR THE CONSTRUCTION OF A RESERVOIR FOR THE STORAGE OF IRRIGATION WATER TO BE ABSTRACTED AS AGREED WITH THE ENVIRONMENT AGENCY DURING PEAK FLOW WINTER MONTHS FOR SUMMER IRRIGATION USE, INCLUDING IMPORTATION OF 65000M$^3$ OF FILL MATERIAL AT LAND AT RADWELL BURY FARM, RADWELL LANE, RADWELL, BALDOCK, HERTFORDSHIRE, SG7 5ES**

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**Time Limit**

1. **The development to which this planning permission relates shall be begun no later than three years from the date of this permission.**

   Reason: To comply with the requirements of Section 91 of the Town and Country Act 1990 (as amended).

**Approved Plans**

2. **The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing:**

   - **Planning, Design & Access Statement dated November 2018**
   - **Stages 1 & 2 Road Safety Audit dated September 2018 (E3851/pc/S1and2auditSep18)**
   - **Transport Statement dated September 2018 (E3851-radwell-acc-tsreport-rev0)**
   - **Landscape and Visual Impact Assessment (814.18)**
   - **Flood Risk Assessment dated May 2018 (1784)**
   - **Drawing number 151616 – Location Plan**
   - **Drawing number 123/01/111 Rev A – Proposed Reservoir General Arrangement**
   - **Drawing number 123/01/112 Rev A – Proposed Reservoir Overall Plan**
   - **Drawing number 123/01/113 Rev A – Proposed Reservoir Overall Plan**
   - **Drawing number 20170305-03 – Cross Sections**
   - **Drawing number E3851/700/B – Section 278 Works Means of Access**
   - **Drawing number 814.18.1C – Landscape Proposals Amendment C**

   Reason: For the avoidance of doubt.

**Groundwater**

3. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless**

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**otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect groundwater. Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development.

**Dewatering**

4. **If dewatering is proposed, no dewatering shall take place until a Hydrogeological Impact Assessment is submitted to and agreed in writing by the local planning authority. The scheme should include all on site boreholes, as well as determination of the full thickness of mineral. This will inform the full depth of dewatering, which can therefore generate an appropriate risk assessment. This impact assessment should also outline how recharge trenches will be used to mitigate effects on protected rights. The Hydrogeological Impact Assessment shall be implemented as approved.**

   Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework.

**Reservoir liner**

5. **The development hereby permitted shall not commence until such time as a scheme to agree the liner design has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

   Reason: To ensure that the proposed liner is designed in such a way as not to harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

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Highways

6. **There shall be no more than 80 HGV lorry movements (40 in/40 out) to and from the site on any one working day.**

   Reason: In the interests of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along the highway in the vicinity of the site.

7. **Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during the construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.**

   Reason: In the interests of highway safety and amenity.

8. **Prior to the commencement of the development the proposed alterations to the access shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The approved alterations to the access shall be carried out prior to the first importation of material.**

   Reason: In the interests of highway safety.

9. **Prior to the commencement of development, details of signage to be provided close to the access to warn of slow moving vehicles shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The approved signage shall be provided prior to the first importation of material and shall thereafter be maintained for the duration of the construction works.**

   Reason: In the interests of highway safety.

Archaeology

10. **No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**

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**1. The programme and methodology of site investigation and recording**
**2. The programme and methodology of site investigation and recording as required by the evaluation**
**3. The programme for post investigation assessment**
**4. Provision to be made for analysis of the site investigation and recording**
**5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
**6. Provision to be made for archive deposition of the analysis and records of the site investigation**

**7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To protect the historic environment.

**11. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 10.**

Reason: To protect the historic environment.

**12. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis and publication where appropriate.**

Reason: To protect the historic environment.

**Abstraction licence**

**13. No development shall take place until an abstraction licence to fill the reservoir has been obtained from the Environment Agency.**

Reason: To ensure that the reservoir is fit for purpose.

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**Dust**

14. **The operator shall ensure at all times that areas outside of the boundary of the site are not affected by dust resulting from the construction of the development hereby permitted.**

    Reason: To minimise the adverse impact of dust generated by the operations on the local community.

**Tree Species**

15. **Notwithstanding the landscaping details submitted with this planning application, details of the tree species to be planted shall be submitted to and approved by the local planning authority prior to the planting taking place. The planting of the trees shall be undertaken in line with the approved details.**

    Reason: To ensure that the appropriate mix and species of trees is used.

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant following the validation of the planning application. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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